

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION OPIATE  
LITIGATION

This document relates to:

*County of Summit, Ohio, et al. v. Purdue Pharma  
L.P., et al.*

Case No. 1:18-OP-45090

*The County of Cuyahoga v. Purdue Pharma L.P.,  
et al.*

Case No. 17-OP-45004

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**[PROPOSED] ORDER GRANTING MANUFACTURER DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT THAT PLAINTIFFS' STATE-LAW CLAIMS ARE  
PREEMPTED AND THEIR FEDERAL CLAIMS ARE PRECLUDED**

Having considered the Manufacturer Defendants' Motion For Summary Judgment That Plaintiffs' State-Law Claims Are Preempted And Their Federal Claims Are Precluded and the supporting briefing and opposition thereto, it is hereby:

**ORDERED** that the Manufacturer Defendants' Motion For Summary Judgment That Plaintiffs' State-Law Claims Are Preempted And Their Federal Claims Are Precluded is

**GRANTED.** The Court holds that Plaintiffs' state-law claims are preempted, and their federal claims are precluded, to the extent that they (1) seek to hold the Manufacturers<sup>1</sup> liable for labeling

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<sup>1</sup> "Manufacturers" refers to Purdue Pharma, L.P., Purdue Pharma, Inc., The Purdue Frederick Company, Inc., Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Par Pharmaceutical, Inc., Par Pharmaceutical Companies, Inc. (incorrectly named as "Par Pharmaceutical Companies, Inc. f/k/a Par Pharmaceutical Holdings, Inc."), Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., n/k/a Janssen Pharmaceuticals, Inc., Johnson & Johnson, Noramco, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc, Cephalon, Inc., Allergan plc f/k/a Actavis plc, Allergan Finance, LLC, f/k/a Actavis, Inc., f/k/a Watson Pharmaceuticals, Inc., Allergan Sales, LLC, Allergan USA, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. f/k/a Watson Pharma, Inc, Mallinckrodt, plc, Mallinckrodt LLC, SpecGx LLC, Allergan Sales, LLC, Allergan USA, Inc., Warner Chilcott Company, LLC, Actavis South Atlantic LLC, Actavis Elizabeth LLC, Actavis Mid Atlantic LLC, Actavis Totowa LLC, Actavis Kadian LLC, Actavis Laboratories UT, Inc. f/k/a Watson Laboratories, Inc.-Salt Lake City, and Actavis Laboratories FL, Inc., f/k/a Watson Laboratories, Inc.-Florida. Teva Pharmaceutical Industries Ltd., Allergan plc, and Mallinckrodt plc are respectively an Israeli corporation, Irish holding company, and Irish company that are not subject to and contest

and marketing opioid medications for the treatment of chronic, non-cancer pain; for failing to advise of additional risks of such use; and for failing to recommend dose and duration limitations; and (2) are premised on a theory that the Manufacturers made misrepresentations and omissions to the DEA and/or mislead the DEA into setting artificially high quotes for the permissible sales of opioid medications.

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Hon. Dan A. Polster  
United States District Judge

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personal jurisdiction for the reasons explained in their pending motions to dismiss for lack of personal jurisdiction, they are specially appearing to join this motion as a result of the Court's deadline to file dispositive and Daubert motions, and, thus, they do not waive and expressly preserve their pending personal jurisdiction challenges. On June 10, 2019, Insys Therapeutics, Inc. and its affiliates each filed a voluntary case under chapter 11 of United States Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware, which cases are being jointly administered under Case No. 19-11292 (KG). In light of this bankruptcy proceeding, Insys does not join any of the Daubert motions or summary judgment motions to be filed in the MDL Track One cases.